

**ASSEMBLY BILL**

**No. 1212**

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**Introduced by Assembly Member Mansoor**

February 18, 2011

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An act to amend Section 31485.9 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1212, as introduced, Mansoor. County employees' retirement.

Under existing law, counties and districts, as defined, may provide retirement benefits to their employees pursuant to the County Employees Retirement Law of 1937. Existing law prohibits any resolution, ordinance, contract, or contract amendment under that law adopted on or after January 1, 2004, from providing different retirement benefits for any subgroup of general members within a membership classification, including, but not limited to, bargaining units or unrepresented groups, unless benefits provided by statute for members hired on or after the date specified in the resolution are adopted by the county or district governing board, by resolution adopted by majority vote, pursuant to a memorandum of understanding made under the Meyers-Milias-Brown Act. Existing law prohibits any retirement contract amendment from being imposed by the employer in absence of a memorandum of understanding made under the Meyers-Milias-Brown Act.

This bill would additionally allow those benefits to be specified in an ordinance, contract, or contract amendment adopted by the county or district governing board. The bill would also prohibit the employer from imposing a retirement resolution, ordinance, or contract in the absence of a memorandum of understanding prepared pursuant to the

Meyers-Milias-Brown Act. The bill would also make related technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 31485.9 of the Government Code is  
2 amended to read:

3 31485.9. (a) Notwithstanding any other provision of law,  
4 including, but not limited to, Chapter 10 (commencing with Section  
5 3500) of Division 4 of Title 1, no resolution, ordinance, contract,  
6 or contract amendment under this chapter adopted on or after  
7 January 1, 2004, may provide any retirement benefits for some,  
8 but not all, general members of a county or district.

9 (b) (1) No resolution, ordinance, contract, or contract  
10 amendment under this chapter adopted on or after January 1, 2004,  
11 may provide different retirement benefits for any subgroup of  
12 general members within a membership classification, including,  
13 but not limited to, bargaining units or unrepresented groups, unless  
14 benefits provided by statute for members hired on or after the date  
15 specified in the resolution are adopted by the county or district  
16 governing board, by resolution, *ordinance, contract, or contract*  
17 *amendment* adopted by majority vote, pursuant to a memorandum  
18 of understanding made under the Meyers-Milias-Brown Act  
19 (Chapter 10 (commencing with Section 3500) of Division 4 of  
20 Title 2). ~~AH~~

21 (2) *All* nonrepresented employees within similar job  
22 classifications as employees in a bargaining unit subject to a  
23 memorandum of understanding, or supervisors and managers  
24 thereof, shall be subject to the same formula for the calculation of  
25 retirement benefits applicable to the employees in the bargaining  
26 unit. ~~No~~

27 (3) A retirement *ordinance, contract, or contract amendment*  
28 ~~may shall not~~ be imposed by the employer in absence of a  
29 memorandum of understanding ~~under prepared pursuant to the~~  
30 Meyers-Milias-Brown Act.

31 (c) This section does not preclude changing ~~membership~~  
32 ~~classification~~ from one membership classification to another  
33 membership classification.

1 (d) This section shall not apply to retirement benefits for a  
2 member described in paragraph (2) of subdivision (d) of Section  
3 31676.15.

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